



Attorney Docket No.: 43888-301  
**PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	
Yasuo TAKEBE, et al.	:	Customer No.20277
Serial No.: 10/820,159	:	Confirmation No.: 7042
Filed: April 8 ,2004	:	Group Art Unit: 1745
For: FUEL CELL	:	Examiner: TONY S. H. CHUO

**ELECTION UNDER 35 U.S.C. § 121**

Mail Stop Amendment  
Hon. Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the restriction requirement set forth in the Office Action mailed July 27, 2006, having a shortened statutory period for response set to expire August 27, 2006, wherein the Examiner required restriction between the following distinct Species:

- Species 1* - the embodiment of Figure 1;
- Species 2* - the embodiment of Figure 2;
- Species 3* - the embodiment of Figure 4;
- Species 4* - the embodiment of Figure 6; and
- Species 5* - the embodiment of Figure 7.

Applicants elect, without traverse, Species 1, with claims 1-3, 7, 8, 11, 12 and 14 readable thereon, for initial prosecution on the merits. Applicants also reserve the right to file a Divisional Application for the non-elected claims, which the Examiner has indicated is patentably distinct.

Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicants have inadvertently overlooked the need for a petition for extension of time. The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-0417. A duplicate copy of this Response is enclosed for accounting purposes.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

Date: \_\_\_\_\_

8/28/06

By: \_\_\_\_\_

Michael E. Fogarty  
Registration No.: 36,139

600 13<sup>th</sup> Street, N.W., Suite 1200  
Washington, D.C. 20005-3096  
Telephone: 202 756 8000  
Facsimile: 202 756 8087